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6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
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9	THOMAS K. MILLS,	Case No. 1:23-cv-00134-EPG (PC)	
10	Plaintiff,	ORDER FOR PLAINTIFF TO SUBMIT	
11	v.	APPLICATION TO PROCEED IN FORMA PAUPERIS OR PAY FILING FEE WITHIN 45	
12	ZACHERY JONES, et al.,	DAYS	
13	Defendants.		
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15	Plaintiff is a state prisoner proceeding <i>pro se</i> in this civil rights action filed pursuant to 42		
16	U.S.C. § 1983. Plaintiff has not paid the \$402.00 filing fee or submitted an application to proceed		
17	in forma pauperis pursuant to 28 U.S.C. § 1915.¹		
18	Accordingly, IT IS HEREBY ORDERED that:		
19	Within forty-five (45) days of the date of service of this order, Plaintiff shall submit the		
20	attached application to proceed in forma pauperis, completed and signed, or in the alternative,		
21	pay the \$402.00 filing fee for this action.		
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24	District did minuit "Con Long Consumi	Elling For " (ECEN) 2) Photodiff sites to Occupan	
25	¹ Plaintiff did submit "Case Law – Concerning Filing Fee." (ECF No. 2). Plaintiff cites to <u>Owens v. Keeling</u> , 461 F.3d 763 (6th Cir. 2006), which found that the plaintiff did "not have to pay a second filing fee for refiling his complaint after it was initially dismissed without prejudice for failure to exhaust." <u>Id.</u> at 772. However, the <u>Owens</u> decision was based on the exhaustion procedures in the Sixth Circuit, which included "heightened pleading standards." <u>Id.</u> at 772-73. Thus, " <i>Owens</i> is inapplicable in this case. Unlike the plaintiff in <i>Owens</i> , here plaintiff was not subject to the heightened-pleading standard the Sixth Circuit was then requiring prisoners to meet by pleading and demonstrating exhaustion." <u>Slaughter v. Carey</u> , 2007 WL 1865501, at *1 (E.D. Cal. June 28, 2007).		
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28	See also Perkins v. Hartwick, 2022 WL 17415070, at		
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1	No requests for extension will be granted without a showing of good cause. Failur	
2	to comply with this order will result in dism	issal of this action.
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4	IT IS SO ORDERED.	
5	Dated: January 31, 2023	18/ Encir P. Grong
6		UNITED STATES MAGISTRATE JUDGE
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